



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604-660-7000
Fax: 604-660-7033
www.alc.gov.bc.ca

June 16, 2006

Please reply to the attention of Roger Cheetham

William Mackie/ David Blair/ Rose Geworsky
1924 Cedar Street
Creston, BC V0B 1G5

Dear Sirs/Madam:

RE: **Application #F-36591**
PID: 015-799-221
Lot 1, District Lot 5027, Kootenay District, Plan 1395

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide a 0.5 ha lot from the 4.5 ha subject property. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission writes to advise that it approved your application having regard to the limited agricultural potential of the subject property subject to compliance with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment. The Commission suggests you contact the Central Kootenay Regional District at your earliest convenience.

The decision noted above is recorded as Resolution # **277/2006**.

Please send two (2) paper prints of the final survey plans to this office well in advance of commencing registration at the Land Titles Office. When the Commission confirms that the subdivision plan is acceptable and verifies that all conditions of approval have been met it will authorize the Registrar of Land Titles to accept the application for deposit of the plan. Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over a white background.

Erik Karlsen, Chair

pc: Regional District of Central Kootenay (#A0608A-05491-000)

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36591d1.

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on 30th May 2006 in Cranbrook, B.C.

PRESENT: Monika Marshall Chair
 Carmen Purdy Commissioner

STAFF: Roger Cheetham, Planning Officer

For Consideration

Roger Cheetham presented the staff report of Ron Wallace dated 18th May 2006 regarding application # F- 36591.

Commission Discussion In the light of the site inspection of the Boswell area in June 2003 whereat the Commission concluded that the area has little agricultural potential the Commission concurred with the comments in the staff report.

IT WAS

MOVED BY: Commissioner M. Marshall

SECONDED BY: Commissioner C. Purdy

THAT the staff report be received and the application be approved as recommended.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



Staff Report
Application # F – 36591
Applicant: William Mackie

DATE PREPARED: May 18, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: To subdivide a 0.5 ha lot from the 4.5 ha subject property.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The applicant purchased the subject property from his brother and sister in 1999. The property has been in the applicant's family for over 40 years. In 2000, the applicant sold a 40% interest in the property to the current co-owner. The applicant only learned of the restrictions of the *Agricultural Land Commission Act* after selling the 40% interest and while attempting to subdivide the subject property. The applicant would like to subdivide the interests of the property so that each owner has his/her own title.

The applicant also notes that the topography of the property is steep. One of the homes is built on a very small bench surrounded by steep banks. The upper property, although situated on a mostly flat bench, could not support any type of sustainable agricultural venture.

Local Government:

Regional District of Central Kootenay

Legal Description of Property:

PID: 015-799-221
Lot 1, District Lot 5027, Kootenay District, Plan 1395

Purchase Date:

October 1999

Location of Property:

Highway 3A, Boswell

Size of Property:

4.5 ha (The entire property is in the ALR).

BACKGROUND INFORMATION (continued):

Present use of the Property:

Two seasonal/recreational residences, shop.

Surrounding Land Uses:

WEST: Residential, community park
SOUTH: Residential (seasonal)
EAST: Crown land (forest)
NORTH: Residential

Agricultural Capability:

Data Source: Agricultural Capability Map # 82F/7
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

N/A

Zoning Bylaw and Designation:

N/A

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of Central Kootenay: Forwarded without comment.

STAFF COMMENTS:

Allow as requested on the grounds the Commission has indicated it does not wish to continue the ALR program in the Boswell area.

END OF REPORT



Signature

19 May 2006

Date